

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO – Cincinnati Division

THE KROGER CO.

Plaintiff,

vs.

THE FEDERAL TRADE COMMISSION

Defendant,

and

LINA M. KHAN, REBECCA KELLY
SLAUGHTER, ALVARO BEDOYA, MELISSA
HOLYOAK, and ANDREW N. FERGUSON, in
their official capacities as Commissioners of the
Federal Trade Commission

Defendants.

Civil Action No. 1:24-cv-00438-DRC

DECLARATION OF SERVICE

I, Daniel M. Lifton, declare as follows:

1. I am a competent adult and have personal knowledge of the following facts.
2. I am an associate at the law firm of Weil, Gotshal & Manges LLP, and I am resident in the firm's New York office.
3. I represent The Kroger Co. as outside counsel in the above captioned case, which was filed on August 19, 2024.
4. On September 5, 2024, I completed service of the following documents in the above-captioned action: (1) Summons, (2) Complaint for Declaratory and Injunctive Relief, and (3) Plaintiff's Motion for Preliminary Injunction (ECF 3).
5. I served the above-referenced documents by certified mail by placing true and correct copies in envelopes deposited with the United States Postal Service addressed to:

1. Federal Trade Commission
600 Pennsylvania Avenue, NW

Washington, DC 20580
USPS Tracking #: 70181830000219747343

2. Lina M. Khan
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
USPS Tracking #: 70181830000219747336
3. Rebecca K. Slaughter
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
USPS Tracking #: 70181830000219747312
4. Alvaro Bedoya
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
USPS Tracking #: 70181830000219747374
5. Melissa Holyoak
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
USPS Tracking #: 70181830000219747367
6. Andrew N. Ferguson
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
USPS Tracking #: 70181830000219747350

6. I further declare that I have received confirmation that the above-referenced envelopes were delivered on August 29, 2024. A copy of the return receipt is attached hereto as Exhibit A.

7. On August 23, 2024, I sent copies of the above-referenced documents to the U.S. Attorney General by certified mail by placing true and correct copies in envelopes deposited with the United States Postal Service addressed to:

1. Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530-0001
USPS Tracking #: 70181830000219747381

8. I further declare that I have received confirmation that the above-referenced envelope was delivered on August 29, 2024. A copy of the return receipt is attached hereto as Exhibit B.

9. On September 3, 2024, I sent copies of the above-referenced documents to the U.S. Attorney for the Southern District of Ohio by certified mail by placing true and correct copies in envelopes deposited with the United States Postal Service addressed to:

1. Kenneth L. Parker
U.S. Attorney's Office
303 Marconi Boulevard, Suite 200
Columbus, OH 43215
USPS Tracking #: 9314869904300125434319

10. I further declare that I have received confirmation that the above-referenced envelopes were delivered on September 5, 2024. A copy of the return receipt is attached hereto as Exhibit C.

11. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at New York, NY on the 6th day of September 2024.

Daniel M. Lifton

Daniel Lifton
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
(212) 310-8000